



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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6/24/2021 12:29:03 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Secretary Of State

TITLE-SERIES: 153-43

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: REGULATION OF POLITICAL PARTY  
HEADQUARTERS FINANCES

CITE STATUTORY AUTHORITY: W. Va. Code § 3-8-2c

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/27/2021 3:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Donald Kersey

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Charleston, WV 25305

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule pertains to the permissive expenditures and contributions for establishing a political party headquarters.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

This rule is amended to comport with the provisions of W. Va. Code 3-8-1 et seq. which were amended in SB 622 (2019) and HB 2688 (2021).

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

None.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>			
<b>Personal Services</b>			
<b>Current Expenses</b>			
<b>Repairs and Alterations</b>			
<b>Assets</b>			
<b>Other</b>			
<b>2. Estimated Total Revenues</b>			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/a.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Donald Kersey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 153  
LEGISLATIVE RULE  
SECRETARY OF STATE

SERIES 43  
REGULATION OF POLITICAL PARTY HEADQUARTERS FINANCES

§153-43-1. General.

1.1. Scope. -- This rule clarifies and provides for implementation of state law relating to the regulation of political party headquarters finance, reporting requirements and prohibited activities set forth under W. Va. Code § 3-8-2c.

1.2. Authority. -- W. Va. Code § 3-8-2c.

1.3. Filing Date. -- ~~May 14, 2013.~~

1.4. Effective Date. -- ~~May 14, 2013.~~

1.5. Sunset Provision. -- This Rule shall terminate and have no further force or effect on [DATE].

§153-43-2. Definitions.

For purposes of this rule, the following definitions apply:

2.1. "Filing period" is a quarterly date when a financial report is required by § section 6 of this rule. The first report shall be filed ~~on~~ between January ~~31~~ 1 and 7, April ~~30~~ 1 and 7, July ~~31~~ 1 and 7, and October ~~31~~ 1 and 7, next following receipt of a contribution, or making of expenditure, in excess of \$250 in the aggregate.

2.2. "Party headquarters committee" or "Committee" as used in this rule is a political headquarters committee provided for and as defined in W. Va. Code §3-8-2c(a)(3) and 3-8-2C(b) includes any person, organization or group of persons, including a state or county executive committee, who solicit or receive contributions for the purpose of funding the lease, purchase, construction or financing of the lease, purchase or construction of a party headquarters, including utilities, maintenance, furniture, fixtures and equipment for the party headquarters.

2.3. "Obligated" is expenditures contracted to be paid at some later date.

§153-43-3. Contributions.

3.1. May be made by any individual, corporation, partnership, committee, or association and any other organization or group of individuals.

3.2. Limitations on sources of contributions are as determined in 146 CSR 3, §5.

3.3. Contributions to a committee, either in-kind or monetary, are independent of, and not included in, other aggregate total contribution limitations of ~~Article 8, Chapter 3, of the~~ W. Va. Code § 3-8-1 et seq.

3.4. Contributions may not be anonymous. Anonymous contributions which cannot be returned because the donor cannot be identified shall be donated to the General Revenue Fund.

3.5. Cash contributions from any one contributor may not total more than \$50 in United States or other

country currency.

3.6. All contributions must be deposited and maintained in an account separate from any other accounts maintained by the committee, political party, treasurer, agent, or other person acting in behalf of the committee.

**§153-43-4. Contribution Limitations.**

4.1. No individual, or other identity listed in Section 3.1, may contribute more than \$10,000 in the aggregate.

4.2. The committee may not receive contributions of more than \$1,000,000 in the aggregate.

**§153-43-5. Lawful Expenditures.**

5.1. Contributions may be expended for purchase, construction or lease of the state headquarters of a political party.

5.2. Contributions may be expended for utilities, maintenance, furniture, fixtures and equipment

5.3. Contributions may not be used for satellite offices or expenditures related to satellite offices.

5.54. Contributions may not be used for political purposes.

**§153-43-6. Contribution and Expenditures Reporting.**

6.1. A committee, financial agent or other person or officer acting in behalf of a committee, must file a financial report in the filing period in which the committee first receives any contributions, or makes or obligates any expenditure, totaling \$250 in the aggregate.

6.2. Once an initial report has been filed in accordance with ~~§Section~~ 6.1, additional reports must be filed each reporting period thereafter until the committee is terminated. The report must be filed even if no contribution has been received, or expenditure made, during the filing period.

6.3. Reports may be filed electronically.

6.4. Reports are to be verified.

6.5. Reports are to be on forms prescribed by the Secretary of State.

**§153-43-7. Registration and Termination of Committee; Disposal of Excess Funds.**

7.1. Before accepting any contribution or obligating any expenditure, the committee must register with the Secretary of State providing all information required by W. Va. Code §3-8-2c(f)(2)(A).

7.2. A Committee may terminate by filing a notice with the Secretary of State after all obligations have been met and all monies have been distributed.

7.3. Before terminating the committee, any unspent or unobligated funds may be contributed by the committee to any educational, cultural or charitable organization.